

### REMARKS

Claims 21-29 and 31-41 are pending in the application and are presented for the Examiner's review and consideration. Claims 21-28, 31-33, 36, and 38 have been amended; claims 16-20 and 30 have been cancelled; and claims 40 and 41 have been added. Applicant believes that the claim amendments, cancellations, additions, and the accompanying remarks serve to clarify the present invention and are independent of patentability. Accordingly, Applicant respectfully submits that they do not limit the range of any permissible equivalents.

#### §103 Rejection

Claims 21-24 and 36-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Design Patent No. D408554 to Dinwoodie ("Dinwoodie"). Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dinwoodie in view of U.S. Patent No. 4,860,509 to Laaly et al. ("Laaly"). Claims 26-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dinwoodie in view of Laaly and in further view of U.S. Patent No. 5,674,325 to Albright et al. ("Albright"). Claims 21, 33-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dinwoodie in view of U.S. Publication No. 2005/0233125 to Anderson et al. ("Anderson"). Claims 28-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dinwoodie in view of Anderson as applied to claim 21 and in further view of PCMAG and U.S. Patent No. 5,990,413. Claims 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dinwoodie in view of Anderson as applied to claim 36 and in further view of Enviro-friendly. Applicant submits that the claims are patentable and requests that the rejections be withdrawn for the following reasons.

Initially, claim 21 has been amended to substantially include the limitation of claims 28 and 30. Claim 36 has been amended to substantially include limitation of claims 33 and 34. As noted by the Examiner, Dinwoodie does not disclose these limitations. Accordingly, Application

submits that amend claims 21 and 36 are patentable over Dinwoodie.

Additionally, claim 33 has been amended to include the limitations of its base claim, and any intervening claims.

Applicant notes that the rejection of claims 21 and 28-39 uses Anderson. Applicant further notes that Anderson claims priority to a provisional application having a filing date of August 6, 2002. As evidenced in the attached Declaration under 37 CFR 1.131(a), Applicant conceived and reduced to practice the present invention prior to August 6, 2002. Applicant submits that the present Application has priority of invention over Anderson, and as a result Anderson is not prior art thereof.

Accordingly, Applicant requests reconsideration and withdrawal of the section 103 rejections of claims 21 and 28-39 in view of Anderson.

In light of the foregoing Applicant submits that claims 21, 33, and 36 are patentable over the cited prior art. Additionally, Applicant submits that the dependent claims are patentable at least for the same reasons.

#### New Claim

Applicant has added claims 40 and 41, which are supported by the specification. Claims 40 and 41 depend from claim 21 and, as such, are patentable at least for the same reasons. No new matter has been added.

#### Doubling Patenting

Claims 21-39 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable of claims 1-5 of copending Application No. 11/438195. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-5 of application 11/438195 are sufficiently broad to include the limitations of claims 21-39.

Applicant: S. Durham.  
Application No.: 10/679,075  
Examiner: Phi Dieu Tran A

In response and in order to expedite the prosecution of this application, Applicant submits herewith a Terminal Disclaimer to obviate the provisional double patenting rejections. It should be understood that this Terminal Disclaimer is being filed to expedite prosecution and should not be construed as an admission that the Terminal Disclaimer is necessary.

#### Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed due. However, please charge any additional fees (or credit any overpayment of fees) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 7854-A06-002).

Respectfully submitted,



Seth Blum, Reg. # 45,489  
Customer Number: 33771

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO  
21355 East Dixie Highway, Suite 115  
Miami, Florida 33120  
Tel: 305-830-2600; Fax: 305-830-2605  
e-mail: [sblum@focusonip.com](mailto:sblum@focusonip.com)